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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8314

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(☒) Release (☐) Excise (☐) Deny

Exemption(s):

Classify: (☐) In Part (☒) In Full DECONTROL

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SUBJECT: ARGENTINE REPLY TO U. S. NOTE CONCERNING TREATMENT OF
GWENDA MAE LOKEN DE LOPEZ

1. ARGENTINE NOTE IN RESPONSE TO U. S. NOTE OF OCTOBER 27
CONCERNING TREATMENT OF U. S. CITIZEN GWENDA MAE LOKEN DE LOPEZ
WAS SENT TO EMBASSY AFTERNOON OF DECEMBER 22.

2. GIVEN BELOW IS ROUGH TRANSLATION OF ARGENTINE NOTE OF
DECEMBER 22, ORIGINAL TEXT OF WHICH WILL BE FORWARDED TO DEPARTMENT
BY POUCH.

QUOTE. THE MINISTRY OF FOREIGN RELATIONS AND WORSHIP--DEPARTMENT
OF NORTH AMERICAN AFFAIRS--HAS THE HONOR OF ADDRESSING THE
EMBASSY OF THE UNITED STATES OF AMERICA IN ORDER TO RESPOND
TO THE NOTE WHICH WAS GIVEN TO THE EMBASSY OF THE ARGENTINE
REPUBLIC IN WASHINGTON BY THE DEPARTMENT OF STATE ON
OCTOBER 27 LAST AND WHICH REFERRED TO THE DETENTION OF A
NORTH AMERICAN CITIZEN, MRS. GWENDA MAE LOKEN DE LOPEZ.

SAID NOTE OF THE DEPARTMENT OF STATE CONSISTS BASICALLY
OF TWO PRINCIPAL POINTS, EACH OF WHICH PROMPTED A PROTEST.

THE FIRST OF THESE HAD REFERENCE TO A DIFFERENCE IN THE
JURIDICAL INTERPRETATION CONCERNING THE OBLIGATIONS OF A
STATE WHICH, IN THE LEGITIMATE DEFENSE OF ITS NATIONAL INTEREST,

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DETAINS FOREIGN CITIZENS INVOLVED IN SUBVERSIVE ACTIVITIES.

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THE DIFFERENCE IN CRITERIA OF THE DEPARTMENT OF STATE CONCERNING THE CONFORMITY BETWEEN THE NORMS APPLIED BY OUR GOVERNMENT AND THOSE INDICATED BY THE VIENNA CONVENTION--AN INTERNATIONAL STATUTE WHICH THE ARGENTINE REPUBLIC HAS ALWAYS SCRUPULOUSLY OBSERVED--IS PRESENTLY THE SUBJECT OF A NEW STUDY ON THE PART OF THE OFFICE OF THE LEGAL ADVISER OF THIS MINISTRY. (NOTE: IN OTHER WORDS, THE MINISTRY HAS UNDER CONSIDERATION THE DIFFERENCES BETWEEN OUR INTERPRETATION AND THEIRS AS TO WHAT THE VIENNA CONVENTION ACTUALLY STIPULATES IN TERMS OF CONSULAR ACCESS.)

AS FOR THE SECOND POINT RAISED BY THE DEPARTMENT OF STATE'S NOTE--THAT HAVING TO DO WITH THE COMPLAINT LODGED BY MRS. LOPEZ CONCERNING ALLEGED TORTURES TO WHICH SHE SUPPOSEDLY WAS SUBMITTED DURING HER DETENTION--THE GOVERNMENT OF ARGENTINA SHARES WITH THAT OF THE UNITED STATES THE MOST SCRUPULOUS RESPECT FOR HUMAN RIGHTS AND THE NEED TO CURB ANY KIND OF ILLEGAL COMPULSION WHICH IS FOUND TO BE IN OPEN CONTRADICTION WITH THE CONSTITUTIONAL NORMS AND THE NATIONAL IDIOSYNCRACY.

FOR THE SAME REASON, IT IS TO BE DEPLORED THAT THE COMPLAINANT DID NOT MAKE HER DENUNCIATION TO THE ARGENTINE AUTHORITIES. HAD SHE DONE SO, THE MATTER COULD HAVE BEEN CLARIFIED MORE QUICKLY.

IN ANY EVENT, ONCE HAVING RECEIVED THE DEPARTMENT OF STATE'S NOTE, AN EXHAUSTIVE INVESTIGATION WAS CARRIED OUT. BASED ON ITS RESULTS, THE ARGENTINE GOVERNMENT ENERGETICALLY DENIES THE ALLEGATIONS THAT MRS. LOPEZ WAS TORTURED OR PHYSICALLY MISTREATED.

IT WOULD SEEM OPPORTUNE TO REITERATE THE CIRCUMSTANCES SURROUNDING HER ARREST. THIS TOOK PLACE IN THE CITY OF ROSARIO ON APRIL 30 LAST AT THE PRECISE MOMENT IN WHICH THE SUBJECT HAD THROWN FROM A MOVING BUS SUBVERSIVE PAMPHLETS WITH THE HEADING, 'LONG LIVE THE FIRST OF MAY--DOWN WITH THE VIDELA DICTATORSHIP.' IN HER POSSESSION WERE FOUND AN ABUNDANT QUANTITY OF THESE PAMPHLETS ISSUED BY THE REVOLUTIONARY COMMUNIST PARTY, BONDS FOR CONTRIBUTIONS ISSUED BY THE REGIONAL COMMITTEE OF THE SAME PARTY, AND A PAMPHLET ENTITLED 'PATRIOTIC UNITY AGAINST THE DICTATORSHIP'

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PUBLISHED BY THE POLITICAL COMMISSION OF THE CENTRAL COMMITTEE OF THE REVOLUTIONARY COMMUNIST PARTY ON MARCH 27 OF THIS YEAR; THAT IS TO SAY, ONLY THREE DAYS AFTER THE PRESENT GOVERNMENT ASSUMED POWER.

ON THE BASIS OF AN INVESTIGATION, IT WAS ESTABLISHED THAT THE TRUE DOMICILE OF MRS. LOPEZ WAS NOT THAT WHICH APPEARED ON HER

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IDENTITY DOCUMENTS--ALTHOUGH ALL RESIDENTS OF THE COUNTRY ARE OBLIGED TO COMMUNICATE ANY CHANGE OF ADDRESS TO THE PROPER AUTHORITIES.

TAKEN TO THE WOMEN'S SECTOR OF THE CENTRAL MUNICIPAL OFFICES OF THE SECOND DISTRICT OF ROSARIO, SHE WAS PLACED AT THE DISPOSITION OF THE JURIDICAL DIVISION AND HELD INCOMMUNICADO. ON THE 22ND OF JUNE SHE WAS HANDED OVER TO THE DISPOSITION OF THE ROSARIO DELEGATION OF THE ARGENTINE FEDERAL POLICE, FROM WHENCE SHE WAS RETURNED FOUR DAYS LATER TO THE CENTRAL MUNICIPAL OFFICES. SHE WAS FINALLY REMOVED FROM THERE TO THE DELEGATION OF THE FEDERAL POLICE ON THE 28TH OF SEPTEMBER TO BE EXPELLED FROM THE COUNTRY UNDER DECREE NO. 816/76 ISSUED BY THE NATIONAL EXECUTIVE AUTHORITY.

IT SHOULD BE POINTED OUT THAT THE SUBVERSIVE ACTIVITIES IN WHICH MRS. LOPEZ WAS ENGAGED OPENLY VIOLATE PERTINENT LEGISLATION, SPECIFICALLY, LAW 20.840 CONCERNING THE SECURITY OF THE STATE AND ARE CONSIDERED PARTICULARLY GRAVE IN THE CASE OF FOREIGNERS, WHO, UPON RECEIVING THE BENEFITS OF RESIDENCE IN THIS COUNTRY, ARE INFORMED OF THEIR RIGHTS AND OBLIGATIONS, WHICH ARE, IN ANY EVENT, SIMILAR TO THOSE IN FORCE IN OTHER PARTS OF THE WORLD. ON THE BASIS OF THESE FACTS, MRS. LOPEZ WAS SUBJECTED TO A JUDICIAL PROCESS BEFORE THE FEDERAL JUDGE IN ROSARIO, WHO DIRECTED THAT SHE BE HELD IN PREVENTIVE DETENTION.

IT SHOULD FINALLY BE NOTED THAT, DESPITE ALL THIS, THE ARGENTINE GOVERNMENT RESOLVED TO EXPEL HER FROM THE NATIONAL TERRITORY AS A DEMONSTRATION OF GOOD WILL AND OF ITS DESIRE TO MAINTAIN ITS RELATIONS WITH THE UNITED STATES ON THE HIGHEST LEVEL OF CORDIALITY AND MUTUAL RESPECT.

THE MINISTRY OF FOREIGN RELATIONS AND WORSHIP--DEPARTMENT
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OF NORTH AMERICAN AFFAIRS--REITERATES TO THE EMBASSY OF THE UNITED STATES THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
UNQUOTE.
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